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REMARKS

Claims 1, 16, and 32 have been amended. Claims 1 – 47 are pending in this Application. Reconsideration and further examination is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1 – 4, 6 – 20, 22 – 35, and 37 – 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. (US 6,348,874), hereinafter Cole, in view of Lehr et al. (US 6,643,566), hereinafter Lehr. This rejection is respectfully traversed.

The Applicant's exemplary claim 1 sets forth:

"A central network device for use in a power integrated local area network, the central network device comprising:

an electrochemical power source in the central network device; and
a network interface configured to communicate with a plurality of member network devices and to deliver power from energy stored by the electrochemical power source to at least one selected member network device, the selected member network device being capable of accepting power over the power integrated local area network."

The Applicant's invention thus provides a central network device including its own network interface for communicating with other network devices and including its own electrochemical power source for powering the other network devices. Such an arrangement is particularly convenient for providing central backup power to the network devices, as is dependently claimed. No separate external power source, such as a UPS, is required.

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In order to establish a prima-facie case of obviousness, the cited references, taken in combination, must teach every element of the claim. Cole, as the Office Action admits, fails to teach or suggest a central network device including an electrochemical power source. Likewise, Lehr also fails to teach or suggest a central network device including an electrochemical power source. Lehr shows, in one embodiment, the use of a UPS in a conventional manner, as an external general purpose power supply. The Office Action suggests that "it would have been obvious ...to supply the teaching of Lehr especially backup battery power supply or UPS in the system taught by Cole for maintaining a communication network in event of power failure i.e. electric failure". The Applicant disagrees with this assertion.

Cole teaches only that a network communication device (12) is coupled to an external power source Vs, which may be an AC or DC supply. Lehr teaches that external power can be supplied by a UPS. If one skilled in the art were to apply Lehr to Cole, one would plug the conventional UPS of Lehr into the power port of the communications device of Cole. One would not be motivated by any information provided by either Cole or Lehr to build a communications device including an electrochemical power source and a network interface. Such suggestion can only be provided in hindsight in light of the Applicant's specification. The rejection is therefore improper and should be withdrawn. The Applicant's independent claims 16, 17, 32, 46, and 47 contain the electrochemical power source limitation similar to that of claim 1. The Applicant therefore respectfully asserts that claims 1 - 4, 6 - 20, 22 - 35, and 37 - 47 are in condition for allowance.

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Claims 5, 21, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of Hutchison et al (US 5,838,989), hereinafter Hutchison. This rejection is respectfully traversed.

Cole fails to teach or suggest the applicant's claimed communications device including an electrochemical power source. Hutchison fails to provide any further suggestion of use of an electromechanical power source by a central network device for powering other network devices. Since Cole and Hutchison, taken either alone or in combination, fail to teach or suggest the Applicant's claimed invention, claims 5, 21, and 36 are believed allowable.

The Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date



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